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Committee on the Rights of the Child
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Summary record of the 1956th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 20 January 2015, at 3 p.m.

Chairperson: Ms. Wijemanne

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Initial report of Uruguay on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/URY/1; CRC/C/OPSC/URY/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Uruguay took places at the Committee table.*

2. **Ms. González** (Uruguay) said that the National Committee for the Eradication of Commercial and Non-commercial Sexual Exploitation of Children and Adolescents (CONAPES) was made up of representatives of a number of government bodies, who met on a fortnightly basis to discuss the training and awareness-raising activities and programmes carried out by its various member institutions, including a nationwide programme to provide care to victims of trafficking and sexual exploitation. The only residential shelters in the country were those that cared for women victims of domestic violence and their children. Children and adolescents who were at serious risk of trafficking, prostitution or violence were taken care of through the protection system operated by the Uruguayan Institute for Children and Adolescents. Child victims of trafficking and prostitution received care through the aforementioned shelters in conjunction with three specialized programmes, one of which was run by CONAPES, while the other two were managed by civil society organizations. CONAPES, maintained registers of cases and complaints, and efforts were under way to digitize that data-collection system so as to make it easier to access and analyse the data. The judiciary had prepared a report on cases of trafficking in persons and sexual exploitation that had been brought before the courts.

3. **Ms. Paysse** (Uruguay) said that Uruguay was implementing a coordinated policy in conjunction with the other Southern Common Market (MERCOSUR) countries to address the root causes of trafficking in persons and sexual exploitation by reaching out to potential perpetrators and disseminating information on the issue in hotels and in border regions. CONAPES had asked parliament to include in the new criminal code legislation addressing the issue, and efforts to do so were under way.

4. **Ms. Oviedo Fierro** (Country Rapporteur) asked whether sex tourism was classified as an offence in Uruguay and said she wished to know how much importance the Government attached to that issue in its efforts to implement the Optional Protocol.

5. **Ms. Paysse** (Uruguay) said that sex tourism was not currently classified as a separate offence but that certain members of parliament aimed to include such an offence in the new criminal code.

6. **Mr. Martínez** (Uruguay) said that trafficking in persons was criminalized under the Migration Act and that in October 2014 the executive branch had issued a decree on strengthening efforts to combat trafficking in persons through the Inter-Agency Bureau to Combat Trafficking, which included representatives of the executive, legislative and judicial branches of government and also entertained ties with civil society and international organizations. In November 2014, representatives of the MERCOSUR countries had engaged in standard-setting work on the issue and had made a joint declaration on combating trafficking in persons, which included guidelines on dealing with child victims. The Government attached particular importance to ensuring that victims were treated as such rather than as criminals and that child victims were not revictimized. Efforts would be made to improve government policies on the issue during the next five-year period on the basis of international standards such as the Palermo Protocol.

7. **Mr. Cardona Llorens** (Country Rapporteur) asked why the reform of the Code of Criminal Procedure that was aimed at improving access to justice for child victims would not enter into force until 2017. He asked whether it was true that, in most cases, the competency to investigate and try cases of sexual and commercial exploitation fell to ordinary courts, meaning that there were no guarantees to protect the privacy of the children involved in those cases. He asked how the Government planned to address the problem of revictimization of child victims, who, once their case had been tried in the criminal courts, must bring another case before the civil courts in order to receive reparation. Application of the Brasilia Regulations regarding Access to Justice for Vulnerable People was insufficient to resolve the issue.

8. **The Chairperson** asked whether there was any specialized branch of the law enforcement system that dealt with child sex tourism in tourist hotspots.

9. **Mr. Mezmur** asked whether it was accurate to say that the State party's efforts to combat trafficking in persons were focused more on cross-bordering trafficking than on domestic trafficking, and he wished to know why so little data had been provided on domestic trafficking. He also asked whether it was true that the provision in the Migration Act that established penalties for trafficking in persons and established an aggravating circumstance in cases where the victim was a child had never been used to prosecute perpetrators.

10. **Ms. Rodríguez** (Uruguay) said that there was no specialized law enforcement body to deal with sex tourism but that initial steps were being taken with a view to establishing a tourist police force. In addition, a specialized body dealing with domestic and gender-based violence operated under the auspices of the Ministry of the Interior. In the summers of 2014 and 2015, the Ministry of Tourism had conducted a large-scale campaign against sex tourism. It was true that the provision of the Migration Act establishing penalties for trafficking in persons had never been applied. Nevertheless, significant efforts were being made at the local level to combat child trafficking in remote areas in the interior of the country and in border areas. Binational committees had been established in cooperation with Brazil and Argentina to address the issue.

11. **Ms. Ramírez** (Uruguay) said that complaints of trafficking in persons and sexual exploitation could be submitted to specialized courts that dealt with organized crime or to any criminal court.

12. **Ms. Rodríguez** (Uruguay) said that, while it was true that reparation was handled separately by the civil courts, there was no need to prove a second time that the crime had been committed. The victims needed only to prove that they had suffered damages. They could also choose not to seek reparation.

13. **Mr. Cardona Llorens** suggested that the State party should consider revising those procedures and allowing criminal court judges to order reparation in certain cases, in order to avoid the revictimization of child victims.

14. **Ms. Costa** (Uruguay) said that the reform of the Code of Criminal Procedure constituted a major overhaul and would require both time and money to implement. Judges did exercise discretion with regard to the interpretation and application of legislation, and training for judges was needed to ensure that they made proper use of their discretionary powers. Issues such as the sexual exploitation and sale of children were still considered taboo in Uruguay, and awareness-raising and training were therefore required to ensure that all State bodies learned to recognize and deal with those offences. The provisions of the Criminal Code relating to extradition and extraterritorial competence in criminal matters were not in line with the Convention, and measures would need to be taken to address that discrepancy.

15. **Ms. González** (Uruguay) said that the awareness-raising campaigns on trafficking in persons were conducted by CONAPES and were funded entirely by the Government of Uruguay.

16. **Mr. Cardona Llorens** asked whether the State party would consider establishing criminal responsibility for corporations in relation to the downloading of child pornography from the Internet and said he wished to know how the State party dealt with corporations involved in such misuse of their Internet services.

17. **Ms. Oviedo Fierro** asked what steps were being taken to train teachers and parents on supervising children's use of the Internet.

18. **The Chairperson** asked whether a monitoring system was in place to determine the extent of the problem of child pornography downloaded through the Internet.

19. **Ms. Paysse** (Uruguay) said that the law on audiovisual and communications services did not contain any provisions regarding the Internet. Access to pornographic sites was blocked on the tablets and laptop computers provided to students under the CEIBAL Plan, and the Ministry of the Interior had issued guidelines for parents on monitoring their children's use of the Internet. She recognized that further efforts were needed to address that relatively new challenge. While there was no established protocol on the trafficking or sale of children or the spread of child pornography via the Internet, specialized staff members of the Ministry of the Interior were working to prevent such abuses.

20. **Ms. Costa** (Uruguay) said that possession of child pornography was not criminalized but that CONAPES hoped to change that situation and planned to discuss it with the government authorities. She did not have any data on the downloading of child pornography from the Internet but would look into the possibility of obtaining such data. Possession of child pornography was prosecuted only on the basis of a complaint and not on the basis of evidence obtained by monitoring Internet use.

21. **Ms. Oviedo Fierro** asked whether the Government was taking any measures to dissuade persons likely to access child pornography from doing so.

22. **Ms. Paysse** (Uruguay), responding to Ms. Oviedo Fierro, said that the Government shared the Committee's concern and was looking into taking such measures. Steps were also being taken in Uruguay to establish criminal responsibility for corporations with respect to workplace accidents, which could perhaps be extended to cover the types of situations that the Committee had referred to.

23. **Ms. Winter** said that, if she understood correctly, Uruguayan nationals who committed an offence referred to in one of the two Optional Protocols while abroad could not be brought to trial in Uruguay, and she asked whether it would be helpful if the Committee issued a recommendation stating that the law should be amended in that respect.

24. **Ms. Costa** (Uruguay) said that recommendations were always welcome.

25. **The Chairperson** asked whether the Government had communicated with tourism operators to gain their support in preventing child sex tourism.

26. **Ms. Costa** (Uruguay) said that, as part of the aforementioned awareness-raising campaigns, tourism operators had made a commitment to combat sex tourism and sexual exploitation and relevant training had been provided to employees in the tourism industry. Current efforts were focused on seaside resorts frequented by foreign tourists. As far as she was aware, all complaints of sexual exploitation submitted in Uruguay had been against individuals rather than corporations.

Initial report of Uruguay on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/URY/1; CRC/C/OPAC/URY/Q/1 and Add.1)

27. **Ms. Costa** (Uruguay) said that the involvement of children in armed conflict was currently not a major problem in Uruguay. The country's Armed Forces were actively involved in United Nations peacekeeping and humanitarian missions, which provided an ideal opportunity to train soldiers on the issue. Members of the navy, army and air force received such training through their respective military academies. The right to peace was not a specific subject of study in schools, though international organizations such as UNICEF conducted ongoing campaigns on the subject of peace, especially as it related to children. No specific action was being taken to coordinate efforts to implement the Optional Protocol. Although the minors who attended military training schools were close to attaining majority, they still needed to obtain the permission of a parent or guardian to enrol. The Government was not aware of any complaints concerning the wrongful imposition of disciplinary measures in military training schools.

28. **Ms. Oviedo Fierro** asked whether there was an oversight mechanism in place in military training schools to monitor the application of disciplinary measures.

29. **Ms. Costa** (Uruguay) said that no such mechanism existed. The competent ministry was responsible for monitoring the application of disciplinary measures in military training schools. There was an internal procedure for dealing with complaints concerning the wrongful application of disciplinary measures. Alternatively, complaints could be filed with the national human rights institution. The curricula of the different military training schools included a component on human rights and international humanitarian law.

30. Unaccompanied foreign minors received the same assistance as unaccompanied Uruguayan minors. Uruguay had taken in a number of refugee children from conflict-torn countries but the Uruguayan Institute for Children and Adolescents (INAU) was not aware of any of those children having served as child soldiers. The Institute worked closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) on refugee-related matters. There was a mechanism in place to facilitate the integration of refugee children from conflict-torn countries into Uruguayan society and to ensure that they received the necessary psychosocial care. There were no known cases of Uruguayan children having participated in armed conflict abroad.

31. **Mr. Cardona Llorens** asked whether there was a special protocol for determining whether an unaccompanied minor who came to Uruguay from a country in armed conflict had served as a child soldier.

32. **Ms. Ramírez** (Uruguay) confirmed that there was a special protocol for that purpose. The Uruguayan Institute for Children and Adolescents was responsible for providing primary assistance to unaccompanied minors who came to Uruguay. Unaccompanied minors were normally represented by the Institute but were also granted access to a lawyer.

33. **Ms. González** (Uruguay) said that the special protocol required the circumstances that had brought the unaccompanied minor to Uruguay to be thoroughly investigated and for the unaccompanied minor to undergo a health check. The Institute worked in partnership with child welfare institutions in the unaccompanied minor's country of origin to conduct the investigation. The special protocol was followed by all INAU offices in the country.

34. **Ms. Oviedo Fierro** said that the State party should consider introducing an oversight mechanism into military training schools to increase their accountability and transparency, as well as the visibility of their activities. She requested additional

information on the purpose and functions of the Participation Councils mentioned in the State party's report.

35. **Ms. Paysse** (Uruguay) said that the inclusion of human rights in the General Education Act (Act No. 18437) reflected the Government's desire to make human rights a cross-cutting pillar of the school curriculum. The country's various education plans also comprised a human rights component. At the primary level, students were taught about human rights as part of the wider curriculum. Primary school teachers could also broach and lead discussions on topics such as equality and non-discrimination. At the secondary level, human rights were dealt with as a separate topic integrated into subjects such as history, social sciences or citizenship education.

36. The national sex education programme for both the primary and secondary levels also referred to human rights. The various education councils in Uruguay organized seminars on human rights and relevant international norms for new teachers. A postgraduate programme on education and human rights, which included a module on children's rights, was also available to teachers. A large number of workshops on children's rights were held in the different regions of the country each year. The Convention was widely disseminated in schools by means of specially designed learning materials, posters and classroom discussions. There was a national council responsible for monitoring the implementation of the policy on human rights education. The findings of the assessments conducted by that council often informed the design of new plans and programmes in that area. Furthermore, a proposal for a national human rights education plan was being examined by the competent ministry and other relevant stakeholders.

37. The General Education Act provided that every public school in Uruguay should have a Participation Council. However, there were still public schools in which no such Council existed. The Government attached great importance to the active participation of students, teachers, parents and the local community in school life and was continuing with its efforts to give full effect to that legislative provision. In the months to come, the Government would assess the effectiveness of those Participation Councils in order to identify areas for improvement.

38. **Mr. Mezmur** asked whether the basic training provided to all teachers in Uruguay included a component on children's rights.

39. **Ms. Paysse** (Uruguay) said that all teachers were taught about children's rights as part of their basic training.

40. **Mr. Cardona Llorens** asked whether teachers in Uruguay were well paid and whether they enjoyed good working conditions. He also asked how the State party intended to remedy the lack of inclusive education and special schools for children with disabilities.

41. **Mr. Martínez** (Uruguay) said that the Government was aware of the need to pay teachers a competitive salary in order to attract the best candidates to the profession. In the past, the starting salaries of teachers working in the public sector had been among the lowest of all professionals with a university degree. However, negotiations within tripartite wage councils had led to an increase in the salaries of many public sector workers, including teachers. Although there had also been an increase in the salaries paid to teachers working in the private sector, teachers in the public sector tended to be better paid overall. The Government would continue to review teachers' salaries in the years to come.

42. **Mr. Mezmur** asked whether there were specialized services for boys who fell victims of trafficking and whether the Government planned to adopt a comprehensive long-term strategy to assist such victims.

The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.

43. **Ms. González** (Uruguay) said that INAU worked with civil society and other institutions to coordinate and oversee care services for children and adolescents who were victims of violence. Those children could seek out assistance themselves or could be referred to one of the competent institutions by a third party. Several national campaigns to promote the proper treatment of children had also been carried out by civil society. Those campaigns complemented other efforts to raise the awareness of the general public of phenomena affecting children, such as sexual exploitation, violence and child prostitution. There was also a helpline that children could call to report abuse or acts of violence committed against them. The staff manning the helpline had been properly trained and could direct children and adolescents who called to report such acts to the most appropriate care services.

44. **Mr. Cardona Llorens** said that prevention and early detection should be an essential part of the State party's efforts to combat child abuse. He asked whether teachers or health-care professionals who suspected or learned that a child was being abused were legally obliged to inform the competent authorities.

45. **Ms. González** (Uruguay) said that it was compulsory for teachers and health-care professionals to report suspected cases of child abuse to the competent authorities.

46. **Ms. Santoro** (Uruguay) said that if the family of a child who was clearly being abused failed to report the abuse, a health-care professional could inform the competent authorities directly. However, if the health-care professional had doubts over whether the child in question was being abused or the case was particularly complex, they were unlikely to report the abuse straight away. If health-care professionals or teachers failed to comply with their legal obligation to report suspected child abuse, they could face criminal penalties. The protocols and road maps for dealing with cases involving violence against children in the educational and health spheres provided guidance on how to identify child abuse and on the appropriate steps to take.

47. **Ms. González** (Uruguay) said that for more than 25 years the Uruguayan State had been running programmes intended for children in street situations. Although the State's strategy in that regard, which was necessarily flexible, involved reaching out to children in the street, it went beyond and worked with the children's families. Civil society organizations, the Uruguayan Institute for Children and Adolescents and the Ministries of Health and Social Development were closely involved in efforts to address the issue of children in the streets. No count of the numbers of such children had been carried out since 2008. It had been recognized that great changes to outreach efforts were needed to deal with the problem requiring new institutional responses, involving such components as mental health services or drug rehabilitation programmes.

48. **Ms. Ramírez** (Uruguay) said that the aim of several recent laws had been to ensure swifter adoptions. The length of time for which children could be kept in institutions had also been shortened, and 100 adoptions had been processed in 2014, more than ever before. If adoptions were not completed more swiftly still, it was because the process involved a considerable amount of specialized investigation and reporting. With a view to speeding up the process, the Institute had hired specialists to report to the courts, but 2014 had been an election year, which had made it hard do all the necessary hiring. Lastly, the Institute's Adoptions Division, which was responsible for oversight of all adoptions, would shortly be making children in some special situations — groups of more than three siblings, for example, or children with health problems — eligible for adoption.

49. **Ms. Oviedo Fierro** requested additional clarification of the Institute's alternative foster-care proposals.

50. **Mr. Cardona Llorens** said he understood that families providing foster care would be permitted to adopt the children placed in their care. In that case, foster care turned into a kind of adoption trial period, and he urged the authorities to weigh all the associated implications carefully. He also expressed concern about follow-up following adoptions.

51. **Ms. González** (Uruguay) said that strengthening families' abilities to care for children involved working either with the children's nuclear or extended families or with unrelated families. The approach was new, and it was being tinkered with to ensure that the Institute's practices conformed to the guidelines for the care of children deprived of parental care. In that connection, a pilot project involving the placement of children in boarding homes had been developed. The courts or the administrative authorities removed children from parental care when the children's best interests so required, and they could do so regardless of the age of the child. For that reason, efforts to improve parenting abilities were not limited to parents of children of any particular age. The ultimate aim of the system of protection was to make it possible to favour the family environment and thus reduce the number of children in institutions.

52. **Ms. Oviedo Fierro** said she understood that the new approach applied to children who were currently entering the system and asked whether children taken on under older approaches were also being returned to the family environment.

53. **Ms. González** (Uruguay) said that the search for alternatives to institutional care applied not just to children currently entering the system but to all those who were currently being looked after.

54. **Ms. Oviedo Fierro** asked whether family reunification procedures had been implemented and, if so, how they proceeded.

55. **Ms. González** (Uruguay) said that efforts were indeed being made to return children who had been placed in institutions to the family environment. Progress was gradual.

56. **Ms. Curto** (Uruguay) said that nearly 90 per cent of children 4 years of age and nearly all children aged 5 were in school, as required by law. In the 0 to 3 age range, however, more work needed to be done. The Coordinating Council on Early Childhood Education, established under General Education Act No. 18437, would contribute towards ensuring compliance with the legal requirement to extend preschool coverage to all children aged 3. Proposals to expand coverage for children 1 to 2 years old were also on the table. The aim of the National Comprehensive Care System, currently being developed, was to offer services, including early stimulation opportunities, to all children of families in the bottom income quintile within two years of its implementation.

57. **The Chairperson** said that appropriate early childhood development did not necessarily require preschool attendance. The most cost-effective means of ensuring a child's development was parental education. Breastfeeding should not be neglected, either.

58. **Mr. Cardona Llorens** requested information on the general situation of the approximately 10 per cent of children with disabilities in the State party.

59. **Ms. Costa** (Uruguay) said that disabilities had become a topic of public discussion in Uruguay only very recently. Persons with disabilities had been largely invisible. In the past three years, however, small steps had been taken in favour of persons with disabilities in general, although systematic efforts to encourage the enrolment of children with disabilities in schools alongside their peers without disabilities had not yet been made. In Uruguay, regrettably, the belief was still commonly held that children with disabilities should go to special schools regardless of the severity of their disability.

60. **Ms. Santoro** (Uruguay) said that in recent years screening for a number of conditions, including deafness and phenylketonuria, had been put in place for all infants. The worst effects of some disorders were thus prevented. Until very recently, however, the health authorities had not, as a rule, made early diagnoses of disabilities or developmental disorders. In general, children with disabilities had been referred to health-care providers by the educational system. To encourage earlier detection of disabilities, the health authorities had taken several initiatives, including the establishment of mandatory developmental screenings for infants. The current challenge was to ensure the full implementation of the screenings and to develop the treatment plans that the country's health services should be able to offer. After all, detecting disabilities early was of little use if no adequate follow-up was available.

61. **Mr. Cardona Llorens** asked whether Uruguay had a mechanism to coordinate all policy developments touching on issues related to children with disabilities.

62. **Ms. Curto** (Uruguay) said that although the Ministry of Social Development had programmes for persons with disabilities that were operational nationwide, improving the coordination of those programmes was still a major challenge.

63. **Mr. Martínez** (Uruguay) said that under Act No. 19172 on marijuana and its by-products the public health system was required to provide whatever services and treatment might be required by problem drug users, in particular minors. The main approach in the Act was to ensure the reduction of harm; more broadly, thanks to the Act, gradual changes had been introduced in long-standing methods of addressing drug use, in particular by adolescents.

64. The state of public spaces and recreational areas in Uruguay differed greatly from one place to another, as did the degree to which those spaces were accessible to the country's children. Other public recreation areas, managed by the Ministry of Tourism and Sport, were reserved for scheduled activities. Lastly, he said that there were no services meant specifically for child victims of trafficking. Indeed, opinions on whether a unit to provide such specific services should be created were mixed. In any event, children who had been trafficked were afforded protection and support by INAU.

65. **Ms. Oviedo Fierro** said that her emphasis on the participation and consultation of children stemmed from her conviction that such practices were the only ways of ensuring that children enjoyed their rights. In that connection, the law had provided for Participation Councils several years earlier. Visible results were therefore expected. She also emphasized the importance of continuing to make every necessary effort to ensure that children could remain with families, their own or a foster family, rather than be placed in an institution. She urged the State party to make changes to the approaches taken by its child welfare institutions. Oversight of the State's systems for ensuring that children's rights were made effective should be strengthened. Lastly, it was important not to overlook adolescents, who, in Latin America, were often considered a population group apart from children. The few options open to the many adolescents who failed to finish secondary school were a grave concern. The question that could not be ignored was what kind of country adolescents with so few options would build.

66. **Mr. Cardona Llorens** said that Uruguay was clearly making progress and that the purpose of the interactive dialogue was to help the country meet the commitments it had taken on when it ratified the Convention. The dialogue had also provided information that would enable the Committee to formulate recommendations in a number of critical areas, including addressing inequalities in the area of children's rights, strengthening institutions and the juvenile justice system, improving adoption procedures and combating violence.

67. **Ms. Costa** (Uruguay) said that her delegation had understood clearly that, as Mr. Cardona Llorens had suggested, the purpose of the dialogue was to help Uruguay continue along the right path. In appearing before the Committee, the delegation of Uruguay had sought guidance, observations and recommendations, and it had found them. International practice sometimes made it clear that a long-standing domestic perspective was not always appropriate. Lastly, she stressed the rewards of working with a delegation made up, as hers was, of specialists in diverse fields.

The meeting rose at 6 p.m.